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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,660	09/19/2003	Seok-Pil Lee	20063/10002	4611

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EXAMINER	
NALEVANKO, CHRISTOPHER R	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,660	LEE ET AL.	
	Examiner	Art Unit	
	Christopher R Nalevanko	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/19/2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *Nov. 4, 2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Korea on 08/10/2002. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al (6,029,045) in further view of Krasnow et al (2003/0226141).

Regarding Claim 1, Picco shows a method of displaying an advertisement using metadata comprising, constructing a user's preference for television programs and storing the user preferences on a local storage device (col. 10 lines 55-64, set-top box accumulating viewer preference data as well as user profile data), analyzing and filtering first metadata (col. 6 lines 56-67, various attributes of advertisement that are used to select appropriate ad for viewing), or associated data, associated with an advertisement based on the user's preference (col. 13 lines 40-54, using content profile data to see if data matches profile) and storing the advertisement selectively corresponding to the

user's preference on the local storage (col. 13 lines 40-54, storing advertisement data on disk), display a television program (col. 14 lines 10-16, programming data stream), interpreting second associated data with program and matching the second data with first data associated with the advertisement (col. 14 lines 1-16, determining what local content to display for an ad space based on particular space and profile data), and displaying the advertisement (col. 14 lines 1-16, inserting advertisement in programming stream). Although Picco shows displaying an advertisement, Picco fails to specifically show displaying the advertisement in a banner. Krasnow shows displaying advertisements in a banner (page 1 section 0014, page 4 section 0047, page 7 section 0072). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Picco to show advertisements in a banner, as shown by Krasnow, so that the user could continue to watch a program while advertisements were being displayed.

Regarding Claim 2, Picco shows user preferences that can indicate local content by zip code or area, which denotes what local broadcasting to receive for a broadcaster (col. 7 lines 55-67, col. 8 lines 1-6, distribution variable).

Regarding Claim 3, Picco shows that the associated advertisement data is provided by a third party, or broadcaster (col. 6 lines 57-67, uplink facility including database that stores content profile). Picco also shows that data may be provided over the Internet (col. 14 lines 60-67).

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al (6,029,045) in further view of Krasnow et al (2003/0226141) and Ma (2004/0133909).

Regarding Claim 4, Picco shows interpreting the first data associated with advertisement based on the user's preferences and Krasnow shows using XML, but neither specifically state an XML parser. Ma shows using an XML parser (page 3 sections 0033, 0034, 0036). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco and Krasnow with the ability to use an XML parser, as shown in Ma, so that the set-top box could efficiently strip the metadata for use by the processor. Furthermore, XML is a commonly used programming language and using the related processing components would allow for integration with existing systems and software.

Regarding Claim 5, Krasnow and Ma show using XML but fail to specifically state using a document objective model. Official Notice is taken that it is well known and expected in the art for programmers to uses DOM when programming XML. This provides an effective and conventional means for programming software functions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco, Krasnow, and Ma with the a DOM programming to allow for easy integration with other programming functions and well known programming designs.

Regarding Claim 6, Picco, Krasnow, and Ma fail to specifically state using a simple application programming interface. Official Notice is taken that it is well known and expected in the art to use an API to communicate with hardware and software components. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco, Krasnow, and Ma with an API so that

the computer components could effectively communicate with other hardware and software components.

4. Claims 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al (6,029,045) in further view of Ma (2004/0133909).

Regarding Claim 7, Picco shows an apparatus for selectively displaying an advertisement using metadata comprising a display a television program (col. 14 lines 10-16, programming data stream), a storage for the user preferences on a local storage device (col. 10 lines 55-64, set-top box accumulating viewer preference data as well as user profile data) and storing the advertisement selectively corresponding to the user's preference on the local storage (col. 13 lines 40-54, storing advertisement data on disk), and a matching engine for analyzing and filtering first metadata (col. 6 lines 56-67, various attributes of advertisement that are used to select appropriate ad for viewing) associated with an advertisement based on the user's preference (col. 13 lines 40-54, using content profile data to see if data matches profile). Picco fails to specifically state an XML parser. Ma shows using an XML parser (page 3 sections 0033, 0034, 0036). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco with the ability to use an XML parser, as shown in Ma, so that the set-top box could efficiently strip the metadata for use by the processor. Furthermore, XML is a commonly used programming language and using the related processing components would allow for integration with existing systems and software.

Regarding Claim 8, the combination of Picoo and Ma discloses the claimed limitations, wherein Picco shows an interpreter for interpreting the metadata associated

with the television program (col. 14 lines 1-16, determining what local content to display for an ad space based on particular space and profile data) and Ma teaches a XML parser (page 3 sections 0033, 0034, 0036).

Regarding Claim 9, Picco shows analyzing and filtering first metadata (col. 6 lines 56-67, various attributes of advertisement that are used to select appropriate ad for viewing), or associated data, associated with an advertisement based on the user's preference (col. 13 lines 40-54, using content profile data to see if data matches profile) and interpreting second associated data with program and matching the second data with first data associated with the advertisement (col. 14 lines 1-16, determining what local content to display for an ad space based on particular space and profile data).

Regarding Claim 11, Picco fails to show recording a television show in the local storage. Ma shows storing a television program in local storage (page 2 section 0026). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco with the ability to store a television program, as shown in Ma, so that the user could view the program at his or her convenience.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al (6,029,045) in further view of Ma (2004/0133909) and Krasnow et al (2003/0226141).

Regarding Claim 10, Picco and Ma fail to show using a banner ad. Krasnow shows displaying advertisements in a banner (page 1 section 0014, page 4 section 0047, page 7 section 0072). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Picco and Ma to show

advertisements in a banner, as shown by Krasnow, so that the user could continue to watch a program while advertisements were being displayed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hite et al U.S. Patent No. 5,774,170 discloses a system and method for delivering targeted advertisements to consumers.

Alexander et al U.S. Patent No. 6,177,931 discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Drazin U.S. Patent Application Publication No. 2004/0078809 discloses a targeted advertisement system.

Humpleman et al U.S. Patent Application Publication No. 2003/0018969 discloses a method and system for interactive television services with targeted advertisement delivery and user redemption of delivered value.

Eldering et al U.S. Patent Application Publication No. 2002/0178445 discloses a subscriber selected advertisement display and scheduling.

Blahut et al U.S. Patent No. 5,532,735 discloses a method of advertisement selection for interactive service.

Monson et al U.S. Patent Application Publication No. 2003/0023973 discloses live online advertisement insertion object oriented system and method.

Ballard U.S. Patent No. 6,182,050 discloses advertisements distributed on-line using target criteria screening with method for maintaining end user privacy.

Hoyle U.S. Patent No. 6,141,010 discloses a computer interface method and apparatus with targeted advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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